App. F. IX-4

Previous References

1938.
(May.)

File No. 384-38
Serial Nos. 142

Letter References

RESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two.

Part B for June 39.

SUBJECT.

Appeal Re. the Cancellation of the lease & sale of certain lands in Bellada-Sakleshpur belonging to Shanbhogaru Datta Shivaramaswami Temple at Hole-Narasipur.

(Pl. 2) Endorsement No. 2182 / Rev. 384-38-2 dt 21/6/39

To Mahe Gowda of Bellada-Sakleshpur.

WD 0295—GPB—22,500—18-8-37

In forms him that his request cannot be granted

Rev
21/6/39

G. R. S. APP. F. III—1]

GENERAL AND REVENUE SECRETARIAT.

([illegible])

NOTES.

File No. 334 - 38

FILE HEADING

Appeal regarding the Cancellation of the lease sale of certain lands in Beliadasathenahalli belonging to Sri Chathurbhuja Pattabhiramaswami temple at Holenarasipur.

FROM

Made Gowda. Beliadasathenahalli
Holenarasipur Taluk

No. - Dated 31.5.39 Received 1.6.39

Diary No. 1575 | Enclos. 2 | Spare copies 1 | Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the order of the Muzrai Commissioner setting aside the decision of the Deputy Commissioner Hassan District about the lease sale of S. Nos 59 and 64 of Beliadasathenahalli Holenarasipur Taluk belonging to Sri Chathurbhuja Pattabhiramaswami temple at the place.

NOTES AND ORDERS.

The appeal petn is subsequently stamped and filed within the time allowed. A certified copy of the M-rs order appealed against is furnished together with a Certified Copy of the D-rs order about the lease sale of the two S. Nos belonging to the temple in Beliadasathena-halli - Holenarasipur T.

2. Sri Chathurbhuja Pattabhiramaswami temple at Holenarasipur is a Minor [illegible]

NOTES—First Sheet

Appeal petn of Madegowda & Be
Sathenahalli Adenarasipura T.K. re: inc
Claim over certain Devadaya Inam lands

Mlg File No. 354 of 1938. | General and Revenue Secretariat

The two S. Nos in Sathenahalli village endowed for the support of the Inst[n] are Devadaya Inam lands. The D.C in his decision No 1/38-39 d[d] 23/8/38 has stated that the appellant is keen and to take up the land for the lease and not specified therein & has also refd to the appellant having incurred expenses in respect of the previous lease. No kadim tenancy rights have so far been allowed in respect of these Devadaya Inam lands. Further the appellant himself has agreed to take up the lands on lease & has left it to the discretion of the H.C. to fix the rates for consideration.

2. (PP 50 & 51) The lands are

10-6-39. The H.C. in his Comprom[n] the case which was recently held calls for no interference. In view of the above and the kadim tenancy rights in Devadaya Inam lands is untenable

The appeal may be rejected

2nd Member) 15-6 6/6

6/6

OFFICE OF THE RECORD KEEPER OF COMMONWEALTH
10 JUNE 1939
No A 1983

GENERAL
10 JUNE 1939
64

Serial No.

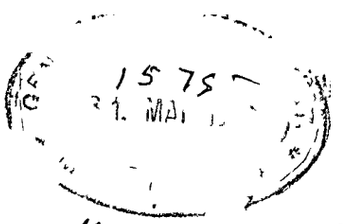
TYPING SECTION
E 1939

2 No. 2182 of 21/6/39 to the petitioner Marcander of Beliada Sathenahalli. Intimating that his request is untenable and that his appeal petition is rejected. Memo no. 2183 of 21.6.39 to the Muzrai Commissioner forwarding for information a copy of the above.

WD 0544—GPB—30,000—2-9-38

File No. of 193 .

T O UP



Muz 384-38-1

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

B A N G A L O R E.

****

Muzrai Appeal No. 21 of 38-39.

****

Appellant:- Made Gowda, s/o Eare Gowda,
Bettadasathenahalli,
Hole-Narasipur Taluk.

-Vs-

Respondent:- Sannian, s/o Rudre Gowda,
Bettadasathenanalli,
Hole-Narasipur Taluk.

Subject matter:-

The lease sale of S. Nos. 59 and 64 of Bettadasathenahalli, belonging to Chaturbhuja Pattabhiramaswamy temple at Hole-Narasipur, under the provisions of the Muzrai Regulation,

---

The appellant abovenamed begs to prefer this appeal against the order of the Learned Muzrai Commissioner in appeal No. 8 of 38-39 dated 3-3-39/17-3-39, reversing the order of the Learned Deputy Commissioner, of Hassan in Muz. Appeal No. 1 of 38-39 dated 23-8-38, on the

the following among other grounds:-

1. The Learned Muzrai Commissioner erred in setting aside the order of the Learned Deputy Commissioner.

2. The order of the Learned Muzrai Commissioner is very brief and does not state any reasons whatsoever in support of the same.

3. The Learned Muzrai Commissioner has failed to notice the fact that the appellant and his ancestors have been in possession and enjoyment of the land in question for a very long time paying Rs.8-11-8 to the Temple.

4. The Learned Muzrai Commissioner has failed to notice the fact that the appellant has got Kadim Tenancy rights over the lands in question (on the ground a previous sale held in 1929 was cancelled.)

5. The appellant being a kadim tenant, he and his ancestors being in possession for several decades past, the sale held is illegal and was rightly set aside by the Learned Deputy Commissioner. The learned Muzrai Commissioner erred in interfering with the same.

6. The appellant submits that very great injustice and hardship will be caused to him if he should be deprived of the lands in possession of himself and his ancestors for nearly one hundred years.

7. The appellant prays that the order

order of the learned Muzrai Commissioner be set aside and that of the learned Deputy Commissioner restored.

Advocate for Appellant.

Bangalore,
31/5/1939.

(N.B.) Certified copies of (i) order of the Muzrai Commissioner, (ii) order of the Deputy Commissioner, Hassan, are appended.

Advocate for appellant.

Before the Government ? ಕೋರ್ಟಿಗೆ.
His Highness the Maharaja of Mysore Bangalore.

1938—1939 ನೇ Mujrai Appeal · ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್.		ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್
Made Gowda.	VS.	Sanniah

ಆಡ್ವೋಕೇಟರಾದ

ಮು|| ರಾ|| ಹೆಚ್. ಕೃಷ್ಣಪ್ಪ ಮತ್ತು ಹೆಚ್. ವೆಂಕಟೇಶಮೂರ್ತಿ ಯವರಿಗೆ.

Appellant ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಯ್ಕೆರುವರಿವಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿ ಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ವಡೆಯಲಿಕ್ಕೂ ನನಗೋಸ್ಕರ ನಿಮ್ಮಗಳ ಗೈರ್‌ಹಾಜರಿಯಲ್ಲಿ ಬೇರೊಬ್ಬ ವಕೀಲರಿಂದ ಮೊಕದ್ದಮೆ ನಡಿಸಲಿಕ್ಕೂ ಮತ್ತು ಮೊಕದ್ದಮೆ ರಾಜಿಮಾಡಿಸಲು ಅಥವಾ ರಾಜಿಗೆ ಒಪ್ಪುವುದಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿಧೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಆಯರಾಗಲಿ ಡಿಟ್ಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಧೇನೆ.

ತಾರೀಖು } ರುಜು.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮುಕ್ಷಮು ರುಜು ಮಾಡಿರುತ್ತಾರೆ.
H. Venkatesamurthy
Coll 31.5.39

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ.
H. Venkatesamurthy
Coll 31.5.39

H Venkatesamurthy
Coll 31.5.39

In the Court of the Mysore Commissioner in Mysore.

No. Appl S/38-39

Appellant:-
Samiah
Son of Rudregowda
Bettadasathenahally
Holenarsipur Taluk.

vs

Respondent:-
Madegowda
Son of Eare Gowda
Bettadasathenahally
Holenarsipur Taluk

Subject: Appeal against the order of the Deputy Commissioner, Hassan district in App: No. 1/38-39 directing that the lease sale of S. Nos: 59 and 64 of Bettadasathenahally belonging to the Sri Cha-Lakshmija Pattabhiramaswamy temple at Holenarsipur may be cancelled and that the lands may be left in the possession of the Respondent

Facts of the case

The two S. Nos in question are devadaya Inams endowed to the above temple and were leased out to the Respondent and others for a period of 5 years from 1933-34 subject to the payment of assessment & cesses etc amounting to Rs 11 and odd, as no bids were offered at the lease sales held previously, and, as the Respondent was cultivating the lands for a long time, the lease period having expired in 1937-38, he was taken to lease out the lands afresh for a further period of 5 years from 1938-39. At the lease sale held on 21-4-1938, the appellant offered the highest bid of Rs 16/- and the sale was confirmed by the Sub division office on 13th May 1938. A lease deed was also obtained from the Appellant, and he was put in possession of the lands.

The Respondent prayed for a re-consideration of the order, offering Rs 2/- more than what he was paying before;

an Officer rejected it. He went in appeal to the Deputy Commissioner on the grounds that his ancestors were in the enjoyment of the lands paying only Rs 8-11-8 for a very long time and that he had Kadim tenancy rights over the lands. The Deputy Commissioner, in his order under appeal, while observing that, strictly speaking, he should not interfere at the stage, as the appellant had executed a mutchalika and was also put in possession of the lands, directed that the lease sale may be cancelled, and the Respondent put in possession of the lands, on condition that he should clear up all the arrears and pay the Appellant stamp charges incurred by him and 5% as compensation etc. on the grounds that the Respondent and his family were in the long enjoyment of the lands and that the Respondent had also agreed upon him to pay the same gutta that was offered by the Appellant.

Hence the appeal on the grounds that the Kadim tenancy right put forward by the Respondent before the Deputy Commissioner is not tenable, that the order of the Deputy Commissioner is opposed to Sections 183(a) and 184 of the Land Revenue Code, and that there are no grounds for the cancellation of the sale etc.

The case came up for hearing on 3-3-1939 when Mr. A.S. Ramanuja Iyengar B.A. Pleader for the Appellant and Mr. M.P. Somasekhara Rao B.A., L.L.B., for the Respondent were present and heard

order No. 8, 35-39 dated 3-3-39
17-3-39

The reasons for setting aside

the Sale, which has been regularly held and not convincing. The order of the Lower Court is set aside Appeal allowed

Sd/ S. Abdul Wazid
Assistant Commissioner

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Copy delivered on 25-4-39
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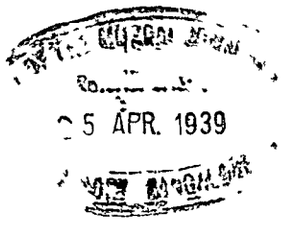
Comparing " 0-3-0
Total 0-15-0
Copied by S. Jayaramaiah
Compared by Hanumanthaiah



"Copy"
M. Bheema Rao
Manager 25.4.39
Asst: Comm's Office

In the Court of the Deputy Commissioner, Hassan District.

Miss. App. No. 1 of 38-39.

Present:—
J. Ramiah Esq^r B.A (Hons)
Deputy Commissioner
Hassan district

Appellant:—
Kade Gowda son of Ere Gowda Bettada-satenahally Hale-Koke Holli, Holenarsipur Taluk

vs

Respondent
Sanniah S/o Rudre Gowda Bettadasatena-hally.

Appeal against the order of the Sub Division officer Hassan confirming the lease sale of S. Nos 59 & 64 of Bettadasatena-hally belonging to Sri Chaturbhuja Rathakki-ramaswamy temple at Holenarsipur.

Facts of the case

The marginally noted two Survey numbers of Bettadasatenahally have been endowed as Devadaya Inam lands to Sri Chaturbhuja Rathakki-ramaswamy temple at Holenarsipur. It is stated that Rakel Rudre gowda & others were enjoying these S. Nos: paying Rs 8-11-8 to the temple. These S. Nos: were sold for Panchasal gutta in the year 39-30 as per orders of the Sub division officer and one Rudraiah purchased the same for an annual rent of Rs 21/- Rakel Rudraiah & others who were enjoying these lands having protested for the confirmation of the sale in view of their long enjoyment, the Sub division officer it is stated cancelled the sale and confirmed the land to them on the payment of the same rent of Rs 21/- in addition to cesses payable to Government.

S. No.	Kind	extent	Asst.
59	Dry	5-25	9-00
64	-do-	1-38	2-4-0
		7-23	11-4-0

These persons fell in arrears to pay the Gutta and the Sub division officer in his order dated 27-2-33 directed that the lands might

he sold for 5 years from the year 1933-34. Accordingly the sale was held on 5-4-33 by the Amildar and no bids were secured. Again it was sold a second time on 20-7-33 and it also proved infructious The appellant Hade Gowda Hallimysore Eniah and Rudraiah petitioned the Sub Division Officer praying that they were enjoying the lands for a very long time paying assessment & cesses, that they were unable to pay Rs 21/- as fixed at the rate realised in the 1st sale and considering their Khadim tenancy might over the lands, the same might be confirmed to them after increasing assessment from them as mamool. This was sent to the Amildar who rejected their prayers as they had fall in arrears in paying the gutta for previous years and informed them to bid for the lands if they desired to have them. As no bids were secured in the 2nd sale, the Amildar after obtaining the mutchalika of these applicants recommended that the lands might be confirmed for 5 years from 33-34 to 37-38 subject to payment of full assessment to the temple and cesses to Government. This proposal of the Amildar was accepted by the Sub Division Officer in his order issued on 22-12-34.

The term of this lease having been expired in the year 1937-38 the lands were subjected to resale for a further period of 5 years from the current year At the sale held on 21-4-38 the respondent Ramiah Son of Rudregowda purchased them for an annual rent of Rs 16/- This sale was confirmed by the Sub Division Officer on 13-5-38. Accordingly a mutchalika was obtained from the lessee and he was placed in possession of the land. The Appellant Hade Gowda against this confirmation order presented a review petition to Sub Division Officer praying that he was ready to pay

Rs2/- more than what he was usually paying viz Rs 11-4-0 and that the right he had over the lands may not be disturbed. His petition was rejected by him as orders of confirmation of the lease had already been passed

Hence the present appeal

The Appellant prays for the cancellation of the sale on the following grounds

That he and his ancestors were enjoying the land from a long time paying Rs 8-11-8 to the temple.

2 That he has got the Kadum tenancy right over these inam lands and that for this reason the sale held in 1929 was cancelled

(N.D.) It is seen from the Amildar's report that a sum of Rs 52-1-3 is yet due from the appellant towards the arrears of 1933-34 to 37-38 and that in spite of the issue of attachment warrant, he has not paid it. As per orders issued he has paid Rs 16/- towards the advance of one year's lease amount and the stay order has been given effect to.

order No. 1/38.39 dated 23.8.38

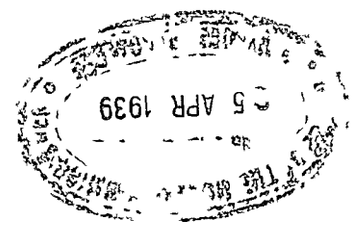
Heard the appellants' consel and respondent.

Strictly speaking, I should not interfere at this stage as the respondent has given stamped agreement and is said to have been placed in possession of the land. In view however of the fact that the appellant and his family have been in enjoyment of the land for a long time and that the appellant is prepared to take up the lands for the lease amount that has been secured in the sale and has in earnest thereof deposited one year's rental the sale will be cancelled - and the lands left in his possession during

the arrears of the previous lease viz
together with 5% compensation to the sale
purchaser and the value of shamp incurred
by the sale purchaser in pursuance of the
lease within a week from this date, failing
which, the order of the Sub Division Officer
may be deemed to have been confirmed.
The appellant has been clearly informed
that not more than a week will be
allowed.

In Open Court,
Sd/ T Ramiah
Deputy Commissioner
23.8.38

Copy applied for by Mr. Madagowda
Copy ready on 20-3-39
" delivered on 25-4-39
No. of words 905
Copying fees 1-4-0
Comparing - 0-5-0
Total 1-9-0



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Compared by Hanumanthaiah

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M Bheemasena Rao
Manager 25 4 39
Mys. Comm's Office

F G—1]

SUBJECT.....

.....

.....

Section Mug

File No. 384–38

Serial No. 2

Diary No. of letter replied to .....

No. 2182

To

Sri Madegowda s/o Adada-
-Sathenahalli Hemavathipura
Tk C/o K. Krishnaiah
BA- Advocate. Bng
city

General and Revenue Secretariat

( )

the *193* .

Date of issue 2/6/39

Signed by Hon S.K.V. Iyer

Ref to his petn of 31-5-39
appealing against the order of
the M-C in the matter of his
claim for Kadim tenancy
rights in Devadagadi Sy
Nos in Adada Sathenahalli
removed by the Executive of
Sri Adichunchanagiri Mutt-
Vide enquiry in Kadim
Mr Madegowda &c

List of enclosures.....

Copied by.....

Examined by.....

WD 0278—GPB—30,000—4-3-38

Mail has reg recognition of Indian
Tenancy rights is under calculable
& his appeal has is therefore
rejected

B. O
W 1616
Dr Gupta

Memo no 2183/mig 21/6/38
Mg to M.C. for information.

C-O
W
Dr Gupta

1576

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 20th June 1939.

No. 2182
Muz 386:38-2

Endorsement.

~~Official Memorandum~~

Mr. Made Gowda of Bettadasathenahalli
Holenarasipur Taluk c/o
M.Krishnappa, Esq., B.A. Advocate,
Bangalore City.

With reference to his petition dated 31st May 1939, appealing against the order of the Muzrai Commissioner in the matter of his claim for Kadim tenancy rights in Devadaya Inam lands in Bettadasathenahalli endowed to the temple of Sri Chathurbhuja Pattabhiramaswami at Holenarasipur, Mr. Made Gowda is informed that his request for the recognition of Kadim tenancy rights is untenable and his appeal petition is therefore rejected.

By Order,

Sd. C. Appaji Gowda,
~~Xxx~~ General Secretary to Government

G.O.R.3. Memo No. 2183 Dated, 20th June 1939.
Muz

Copy of the above is forwarded, with compliments, to the Muzrai Commissioner in Mysore, for information.

By order

G.O.R.2. For General Secretary to Government.